

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR.; et al.,

Plaintiffs,

v.

CEO, SUCCESSOR FOR DEUTSCHE  
NATIONAL TRUST COMPANY; et al.,

Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court are plaintiff Linwood Edward Tracy, Jr.'s ("Tracy") motion to recuse United States Attorney Daniel G. Bogden (Doc. #201<sup>1</sup>); motion to recuse private attorney Jocelyn Corbett (Doc. #202); motion to recuse Assistant United States Attorney Holly A. Vance (Doc. #203); and motion to recuse Magistrate Judge Valerie P. Cooke ("Magistrate Cooke") (Doc. #213<sup>2</sup>).

Initially, the court notes that it is without jurisdiction to entertain Tracy's motion as it concerns Magistrate Cooke as a motion for recusal must first be filed before the judge seeking to be recused. *See Berger v. United States*, 255 U.S. 22, 32-34 (1922); *United States v. Holland*, 510 F.3d 909, 912 (9<sup>th</sup> Cir. 2008). Here, Tracy did not file the present motion before the appropriate judge. Accordingly the court shall deny Tracy's motions to recuse Magistrate Cooke.

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<sup>1</sup> Refers to the court's docket number.

<sup>2</sup> Refers to the court's docket number.

1 As to Tracy's additional motions to recuse both private attorneys and United States  
2 Attorneys from appearing in this action, the court finds that Tracy's motions are without merit. At  
3 no point in his motions does Tracy cite to any legally cognizable theory supporting recusal of the  
4 identified attorneys. Therefore, the court shall likewise deny Tracy's additional motions for recusal.

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6 IT IS THEREFORE ORDERED that plaintiff's motion to recuse United States Attorney  
7 Daniel G. Bogden (Doc. #201); motion to recuse private attorney Jocelyn Corbett (Doc. #202);  
8 motion to recuse Assistant United States Attorney Holly A. Vance (Doc. #203); and motion to  
9 recuse Magistrate Judge Valerie P. Cooke (Doc. #213) are DENIED.

10 IT IS SO ORDERED.

11 DATED this 28th day of January, 2013.



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13 LARRY R. HICKS  
14 UNITED STATES DISTRICT JUDGE  
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